

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
MICHAEL A. DEMUTH,**

Plaintiff,

**9:18-cv-895
(GLS/TWD)**

v.

ERNEST CUTTING et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Michael A. Demuth
Pro Se
19-B-1439
Collins Correctional Facility
P.O. Box 340
Collins, NY 14034

FOR DEFENDANTS:

Office of Frank W. Miller
6575 Kirkville Road
East Syracuse, NY 13057

FRANK W. MILLER, ESQ.

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Thérèse Wiley Dancks duly filed on February 19, 2020. (Dkt. No. 40.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and

all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 40) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 31) is **GRANTED**; and it is further

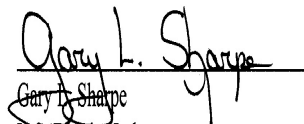
ORDERED that plaintiff's complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

March 11, 2020
Albany, New York



Gary L. Sharpe
U.S. District Judge